

THIRTEENTH DAY

(Monday, June 21, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hoskins
Adkins	Huddleston
Alexander	Jackson
Alsup	James
Amos	Johnson of Ellis
Baker	Johnson
Bates	of Tarrant
Beckworth	Jones of Angelina
Bell	Jones of Atascosa
Blankenship	Jones of Falls
Boethel	Jones of Wise
Bond	Keefe
Boyer	Keith
Bradbury	Kelt
Bradford	Kenyon
Bridgers	Kern
Broadfoot	King
Brown	Knetsch
Burton	Lanning
Callan	Langdon
Carssow	Lankford
Cathey	Leath
Cauthorn	Leonard
Cleveland	Leyendecker
Colquitt	Little
Davis of Haskell	Loggins
Davis of Jasper	London
Davison of Fisher	Lucas
Davisson	Mann
of Eastland	Mauritz
Deglandon	Mays
Derden	McConnell
Dickison	McDonald
England	McFarland
Farmer	McKee
Felty	McKinney
Fielden	Metcalfe
Fox	Moffett
Fuchs	Monkhouse
Gibson	Morris
Graves	Morse
Hamilton	Newton
Hankamer	Nicholson
Hanna	Palmer
Harbin	Patterson
Hardin	of Travis
Harper	Petsch
Harrell	Pope
Harris of Archer	Powell
Harris of Dallas	Prescott
Harris of Dickens	Ragsdale
Hartzog	Reader
Herzik	Reed of Bowie
Holland	Reed of Dallas

Rhodes	Stinson
Riddle	Stocks
Roark	Talbert
Ross	Tarwater
Russell	Tennant
Rutta	Tennyson
Schuenemann	Thornberry
Settle	Thornton
Sewell	Vale
Sharpe	Waggoner
Shell	Walker
Simpson	Weldon
Skaggs	Westbrook
Smith of Hopkins	Winfree
Smith of Tarrant	Wood
Stevenson	Worley

Absent

Dean

Absent—Excused

Cagle	McCracken
Celaya	Oliver
Dollins	Patterson of Mills
Heflin	Quinn
Howard	Smith
Hull	of Matagorda
Hyder	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Cagle for today, on motion of Mr. Hardin.

Mr. McCracken for today, on motion of Mr. Winfree.

Mr. Oliver for today, on motion of Mr. Westbrook.

Mr. Smith of Matagorda for today, on motion of Mr. Kern.

Mr. Hyder for today, on motion of Mr. Harris of Dickens.

Mr. Heflin for today and the balance of the week, on motion of Mr. Monkhouse.

The following Members were granted leaves of absence on account of illness:

Mr. Quinn for today and the balance of the week, on motion of Mr. Nicholson.

Mr. Dollins for today, on motion of Mr. Jones of Falls.

Mr. Patterson of Mills for today, on account of illness in his family, on motion of Mr. Brown.

TO PROVIDE FOR CERTAIN EMPLOYEE

Mr. Alsup offered the following resolution:

Whereas, There have been authorized investigating committees for various purposes by the Forty-fifth Legislature and, whereas there have been appropriations made to conduct these investigations; therefore, be it

Resolved, That an appropriation of Two Hundred (\$200.00) Dollars out of the Contingent Expense Fund be made to employ a clerk to perform the following duties:

1. To keep an account of the money spent by each committee.
2. To issue all vouchers and claims presented by the committee members, subject to the approval of the Speaker and of the chairman of the Contingent Expense Committee.
3. To keep an itemized account of the claims presented and paid to each committee member.
4. That no claim presented by any member in excess of One (\$1.00) Dollar shall be approved without a receipt for the purposes for which the money was spent.

ALSUP,
LANNING.

The resolution was read second time, and was adopted.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read, severally, the following enrolled bill and resolutions:

H. B. No. 1, "An Act making supplemental and new appropriations for the support and maintenance of executive, legislative, administrative and other agencies and departments of the State Government; making certain corrective amendments to Senate Bill No. 138, passed at the Regular Session of the Forty-fifth Legislature, which is the General Departmental Appropriation Bill for the biennium commencing September 1, 1937, and ending August 31, 1939, and declaring if any portion of this Act be held unconstitutional, then it is the intent of the Legislature to pass the remaining portion thereof, regardless of the unconstitutionality of such

other portion, and declaring an emergency."

S. C. R. No. 2, To authorize the acceptance of certain money from the Federal Government.

H. C. R. No. 9, To express legislative intent in regard to certain bill.

H. C. R. No. 16, Inviting Dr. F. W. Kratz to address a Joint Session of the House and Senate.

TO PROVIDE FOR APPOINT- MENT OF A COMMITTEE TO MAKE CERTAIN IN- VESTIGATION IN RE- GARD TO OLD AGE ASSISTANCE

Mr. Rhodes offered the following resolution:

Whereas, There is much dissatisfaction with the methods used by the Old Age Assistance Board in the administration of the Old Age Assistance Law in the State of Texas, which has caused our old people to be very much grieved on account of the methods used by the investigators; and

Whereas, It is necessary that the Legislature should have information concerning the various methods so used in all departments of the administration of this law in order that legislation may be enacted to correct the defects and bring the best results to our old people as is their right under the Constitution; and

Whereas, The methods and established practices in other states, in the administration of similar laws, which may be of much value to the State of Texas, should be brought to the attention of our legislators; and

Whereas, It is necessary that consultations and correspondence should be had with the officials of the Federal Government, who administer this branch of the Social Security Act; now, therefore, be it

Resolved, That the Speaker be, and is hereby directed to appoint a committee of five members to investigate fully all these matters above set out and bring a report and such recommendations to the next Legislature, as to them shall seem fit for the better administration of this law and its amendment; and, be it further

Resolved, That said Committee shall have the power to formulate its own rules of procedure, in what manner evidence shall be obtained and provide for its own hours for meetings

and adjournment. The Committee shall name its own secretary and employees and its sergeant-at-arms; be it further

Resolved, That the Committee shall have the power to issue process for witnesses to any place in this State and compel their attendance and require them to produce any and all books, records and papers necessary in the opinion of the Committee to find out about the above matters set forth; and upon any disobedience of any subpoena, the Committee shall have the power to issue attachments, which may be addressed to and executed by either the sergeant-at-arms appointed by said Committee or any sheriff or any constable of this State.

Said Committee shall have further power to inspect and make copies of any books, papers or records filed in any department of government of the State of Texas that they may deem necessary for carrying out the object of this investigation. Any member of the said sub-committee shall have the power to administer oaths or affirmation and fix the bonds of attached witnesses, and shall have all other powers necessary in order to accomplish the purposes for which the Committee is appointed under this resolution, and generally shall have the powers of a district court for the securing of evidence to accomplish the purpose of this investigation; be it further

Resolved, The sum of \$500.00 be allocated out of the Contingent Expense Fund of the House to pay the expense of this investigation.

RHODES,
CALLAN,
WESTBROOK,
PRESCOTT,
AMOS,
FARMER,
FIELDEN,
HULL,
RAGSDALE,
HARDIN,
HUDDLESTON,
SMITH of Tarrant,
READER,
CATHEY.

The resolution was read second time.

Mr. Morris offered the following substitute for the resolution by Mr. Rhodes:

Amend the resolution, by substituting the following:

"Whereas, The Forty-fifth Legislature has assembled in the First Called Session; and

Whereas, Conflicting reports have been issued in regard to the present status of the Old Age Assistance Commission; and

Whereas, Certain statements were issued in the press on June 18 concerning the Old Age Assistance Commission; and

Whereas, These statements were to the effect that some 30,000 recipients of assistance would be dropped from the roll this month in order to meet Federal requirements; and

Whereas, It is feared by the Members of the Legislature that if such action is taken on the part of the Old Age Assistance Commission that this will result in a hardship on many needy old people; and

Whereas, Other press reports are to the effect that officials of the Texas Old Age Assistance Commission have stated that ample funds were now on hand or in sight to finance the program of the Old Age Assistance Commission now in effect on the same basis as at present for several months to come; and

Whereas, The Legislature is desirous of securing accurate information as to the policy of the Old Age Assistance Commission in the near future; now, therefore, be it

Resolved by the House of Representatives, That this House, as a Committee of the Whole, conduct an inquiry, to be limited to three days in duration, and to all matters properly bearing upon the future policy of the Old Age Assistance Commission, including the number, distribution and circumstances of those entitled to said assistance and the attitude and views of the Federal Social Security Board or its agents in Texas toward the Old Age Assistance situation in this State; and, be it further

Resolved, That W. A. Little, Acting Executive Director of the Old Age Assistance Commission, be called before the Committee for testimony and advice; that members of the Board of Control or their agents be called also; that such records of the Directors' office and of the Regional office as may be deemed helpful by the Committee be requisitioned and that O. M. Powell, Regional Director of the Social Security Board, be requested to appear before the Committee; and, be it further

Resolved, That the Committee shall have and exercise all powers conferred upon or permitted to the House itself in the making of inquiries of this nature, and that a committee of five Members be named by the Speaker to conduct the questioning of those appearing in this inquiry.

MORRIS,
JOHNSON of Tarrant,
ALEXANDER,
LONDON,
LANGDON,
TENNYSON,
DAVISON of Fisher,
BECKWORTH,
LANKFORD,
ROARK,
HARPER,
SMITH of Hopkins,
PALMER,
HAMILTON,
MOFFETT,
BOETHEL,
HARRIS of Archer,
JONES of Falls,
FIELDEN,
CATHEY,
METCALFE,
HOLLAND,
WESTBROOK.

The substitute resolution was adopted.

Mr. Kern moved the previous question on the resolution, as substituted, and the main question was ordered.

The resolution, as substituted, was then adopted.

MESSAGE FROM THE SENATE

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 10, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Winfield, Woodruff, Aikin, Moore and Redditt.

Adopted

S. C. R. No. 7, Requesting the Board of Control to furnish suitable space for housing archives of the State and requesting that they be not removed from the custody of the Texas State Library.

H. C. R. No. 13, Relative to 300th Anniversary of Swedish Colonization in the State of Delaware.

H. C. R. No. 17, Authorizing expenditure of \$3,000.00 out of special funds for purpose of having the Texas Insurance Laws bound and printed.

H. C. R. No. 23, Urging the Congress of the United States to pass S. B. No. 602.

H. C. R. No. 25, Authorizing the Enrolling Clerk of the Senate to correct Senate Concurrent Resolution No. 2.

H. C. R. No. 22, Petitioning the Governor to submit a bill to correct errors in House Bill No. 5 as passed by the Forty-fifth Legislature, Regular Session.

H. C. R. No. 24, Authorizing the loan of certain highway equipment.

The Senate has refused to concur in House amendments to Senate Bill No. 2 and Senate Bill No. 3, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed, on the part of the Senate, for each bill:

Senators Van Zandt, Collie, Rawlings, Woodruff and Burns.

Respectfully,

BOB BARKER,

Secretary of the Senate.

TO AUTHORIZE THE PURCHASE OF CERTAIN REVISED CIVIL STATUTES

Mr. Broadfoot offered the following resolution:

Whereas, The Contingent Expense Committee of the House of Representatives allowed each Member of the House to purchase one copy of the Revised Civil Statutes of Texas, 1936 edition, and charge same to their Contingent Expense Account; and

Whereas, Honorable Dave Harris of Archer County and Honorable Cecil Baker of Fort Bend did buy a copy of said Statutes; and

Whereas, Someone has borrowed said Statutes of the above named Members and failed to return same; and

Whereas, Said Statutes have not and cannot be found; and

Whereas, The above named Members need the Texas Statutes in their legislative work; now, therefore, be it

Resolved, That the Contingent Expense Committee be authorized to purchase one copy of the Centennial edition of the Revised Civil Statutes of Texas for each of the above named Members upon the request of said Members.

The resolution was read second time.

Mr. Pope offered the following amendment to the resolution:

Amend the resolution to add the following after the names of those named in the resolution:

"and all other House Members whose House statutes have been stolen."

The amendment was adopted.

Mr. Hanna raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Skaggs moved that the Rule, relative to the time allotted for the consideration of resolutions, be suspended for the purpose of considering the above resolution.

The motion to suspend the Rules prevailed.

Mr. McConnell moved that the resolution be referred to the Committee on Contingent Expense.

Mr. Skaggs moved to table the motion by Mr. McConnell.

The motion to table was lost.

Question then recurring on the motion by Mr. McConnell, it prevailed.

ADDRESS BY THE HON. JOHN P. SENNING

Mr. Worley offered the following resolution:

Whereas, The University of Texas and the State of Texas as a whole are signally honored by virtue of the temporary presence on the teaching staff of the University of Texas, the Honorable John P. Senning of Lincoln, Nebraska; and

Whereas, Dr. Senning has for many years been engaged in teaching Political Science in the University of Nebraska; and

Whereas, This gentleman is a close, personal friend and advisor to United States Senator George W. Norris, and took an active part in the successful campaign in our sister State Nebraska

for the adoption of the Unicameral Legislature; and

Whereas, Dr. Senning is a recognized authority of international renown on the subject of political science and Unicameral Legislatures; and

Whereas, For several years the State of Texas has been interested in the advantages and possibilities offered by such legislative reorganization; now, therefore, be it

Resolved by the House of Representatives, That the aforementioned Dr. Senning be cordially invited to address the House of Representatives at eleven o'clock on Monday, June 21, 1937, upon any subject which he chooses.

WORLEY,
GRAVES,
JONES of Wise,
THORNBERRY,
MORRIS,
METCALFE,
HARRIS of Archer,
CAUTHORN,
TARWATER,
SMITH of Hopkins,
HARRIS of Dickens,
COLQUITT,
LEATH,
FOX.

The resolution was read second time, and was adopted.

In accordance with the above resolution, the Speaker announced the appointment of the following committee to escort Dr. Senning to the Speaker's stand: Messrs. Colquitt, Tarwater, Harris of Archer, Fox and Worley.

The committee having performed their duty, the Speaker presented Mr. Worley who introduced Dr. Senning to the House.

Dr. Senning then addressed the House.

Mr. Fielden moved that the remarks of Dr. Senning in addressing the House be printed in the Journal.

Mr. Wood moved to table the motion by Mr. Fielden.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—65

Adkins	Blankenship
Alexander	Boyer
Alsup	Bradford

Broadfoot	Leyendecker	Moffett	Settle
Callan	Mann	Morris	Sewell
Cleveland	Mays	Petsch	Simpson
Davis of Jasper	McConnell	Powell	Talbert
Deglandon	McFarland	Prescott	Tarwater
Derden	McKinney	Reed of Bowie	Tennant
Dickison	Monkhouse	Roark	Thornberry
Fuchs	Morse	Ross	Weldon
Gibson	Newton	Rutta	Worley
Graves	Nicholson		
Hamilton	Palmer		Absent
Hankamer	Patterson	Brown	Leonard
Hanna	of Travis	Burton	McDonald
Harbin	Pope	Cathey	McKee
Hardin	Reed of Dallas	Colquitt	Ragsdale
Harper	Russell	Dean	Reader
Harris of Dallas	Schuenemann	Farmer	Rhodes
Hartzog	Sharpe	Felty	Riddle
Hoskins	Skaggs	Harrell	Shell
Huddleston	Smith of Hopkins	Herzik	Tennyson
Jackson	Stevenson	Kenyon	
James	Stinson		Absent—Excused
Johnson of Ellis	Stocks	Cagle	McCracken
Johnson	Thornton	Celaya	Oliver
of Tarrant	Vale	Dollins	Patterson of Mills
Jones of Angelina	Waggoner	Heflin	Quinn
Jones of Atascosa	Walker	Howard	Smith
Jones of Falls	Westbrook	Hull	of Matagorda
Langdon	Winfree	Hyder	Smith of Tarrant
Lanning	Wood	Little	
Leath			
Nays—51		APPOINTMENT OF STEERING COMMITTEE TO CONDUCT OLD AGE ASSISTANCE INQUIRY	
Amos	Fox	The Speaker announced the appointment of the following steering committee to conduct the Old Age Assistance inquiry:	
Baker	Harris of Archer		
Bates	Harris of Dickens	Messrs. Morris, Johnson of Tarrant, Rhodes, Davison of Fisher and London.	
Beckworth	Holland	MESSAGES FROM THE GOVERNOR	
Bell	Jones of Wise	The Speaker laid before the House, and had read the following messages from the Governor:	
Boethel	Keefe		
Bond	Keith		
Bradbury	Kelt		
Bridgers	Kern		
Carssow	King		
Cauthorn	Knetsch		
Davis of Haskell	Lankford		
Davison of Fisher	Loggins		
Davisson	London		
of Eastland	Lucas		
England	Mauritz		
Fielden	Metcalfe		

Austin, Texas, June 21, 1937.

To the Members of the Forty-fifth Legislature:

I hereby submit to you for consideration the following local and uncontested matters:

Authors	Substance Matter
1. Bills by Senator Hill and Representative Bob Leath	Validate the issuance of bonds for the New London School District and Gladewater.
2. Bills by Senator Roberts and Representative Schuene-mann	Validate local bonds.

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| 3. | | Local bond validation bill for Harris County. |
| 4. | Senator Woodruff | Local time warrant bill. |
| 5. | Representative Rutta | Local game bill. |
| 6. | Representative Holland | To offer a bounty on rattlesnakes in Bell County. |
| 7. | Representative Cathey | Lower the allowance for prisoners working out fines from \$3.00 to \$1.00. |
| 8. | Senator Spears | Enable a renewal of the charter of the San Antonio Express Publishing Company. |
| 9. | Representative Huddleston | Local game bill. |
| 10. | Representative Amos | Authorize certain investigations to be made before the issuance of a charter to labor organizations, excepting farmers. |
| 11. | Senator Aikin | Local hospital bill. |
| 12. | Senator Westerfeld | Local validation bill. |
| 13. | Senator Westerfeld | Provide for six members of the State Embalming Board, to be appointed by the State Board of Health. |
| 14. | Representative Metcalfe | Local jury wheel bill. |
| 15. | Representative Stocks | Authorize a suit against the State Highway Department and the State. |
| 16. | | Local validation bond bill for Chambers County. |
| 17. | Senator Cotten and Representative Lucas | Brownsboro independent school district bill. |
| 18. | Representative Jones of Falls County | Make the State season for mourning and white-wing doves correspond with Federal regulations. |
| 19. | Senator Holbrook | Correct inadvertent errors in Senate Bill No. 84, Acts of the Regular Session. |
| 20. | Representative Stinson | Authorize execution of oil and gas leases by non-resident guardians. |
| 21. | Representative Broadfoot | Prohibit candidates from making certain donations. |
| 22. | Senator Isbell and Representative Burton | Validate certain independent school district elections. |

Respectfully submitted,
JAMES V. ALLRED,
 Governor of Texas.

Austin, Texas, June 21, 1937.
 To the Members of the Forty-fifth Legislature:

I hereby submit for your action the repeal of House Bill 915, Acts of the Regular Session.

This was a school consolidation bill. At the time of its passage and at the time I signed this bill, it was done as a local and uncontested bill. It now develops that this bill was not entitled to that character of passage, and took territory out of one of the school districts represented by Hon. Sam Jones and that this was without his knowledge at the time.

I think in fairness to him the Legislature should repeal the bill, especially in view of the fact that it

is probably unconstitutional; at least, I am advised that the Attorney General has held it so.

Respectfully submitted,
JAMES V. ALLRED,
 Governor of Texas.

TO EXTEND CONGRATULATIONS OF THE HOUSE TO THE COUNTY OF HOPKINS

The Speaker laid before the House, as unfinished business, resolution by Mr. Kern, to extend congratulations of the House to the County of Hopkins.

The resolution having been read second time on last Thursday, June 17. Mr. Kern withdrew the resolution.

REQUESTS OF SENATE GRANTED

On motion of Mr. Harris of Dallas, the House granted the request of the Senate for a conference committee to adjust the differences between the two Houses on Senate Bills Nos. 2 and 3.

On motion of Mr. Graves, the House granted the request of the Senate for a conference committee to adjust the differences between the two Houses on Senate Bill No. 10.

CONCERNING HALL OF STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 5, Concerning Hall of State.

Whereas, The Forty-fourth Legislature of the State of Texas appropriated \$1,200,000.00 out of a \$3,000,000.00 Centennial appropriation for the purpose of erecting in the City of Dallas a Hall of State, which was to be used for the benefit of the public as a shrine commemorating and celebrating the heroic deeds of our ancestors; and

Whereas, The law recited that the City of Dallas was to lease this building for a period of twenty years at a rental of \$100.00 per year and to insure, repair, and protect the said building and to use it for the purposes expressed in the law at the time the appropriation was made; and

Whereas, The Legislature was led to believe by the Central Centennial Committee of Dallas that the City of Dallas was ready and willing to take over the building as set out in the law if the \$3,000,000.00 was appropriated; and

Whereas, The City of Dallas has failed and refused to carry out the terms of the law either in spirit or letter by failing and refusing to sign the contract which was prepared by the Attorney General of Texas, as provided by law, and presented to the City of Dallas by the State Board of Control; and

Whereas, The building is now without a responsible agent to protect, administer or operate said building or to carry out the purposes for which the building was erected; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the State Board

of Control be, and is hereby authorized and instructed to proceed to take over said building and to place the same in the use of the State for any useful purposes that they may deem proper and necessary, and that the existing State agencies now operating in the City of Dallas may have the benefit of the space and equipment of said building and for such other and further uses as the State Board of Control may deem proper.

The resolution was read second time.

On motion of Mr. Thornton, the resolution was set as a special order for 11:00 o'clock a. m., tomorrow.

TO EXPRESS LEGISLATIVE INTENT IN REGARD TO CERTAIN BILL

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 6, To express legislative intent in regard to certain bill.

Be It Resolved by the Senate of the Legislature of the State of Texas, the House of Representatives concurring, That, under the terms and provisions of S. B. No. 139 enacted at the Regular Session of the Forty-fifth Legislature, 1937, the instructional salaries for North Texas Agricultural College at Arlington, Texas, be upon a nine months basis; be it further

Resolved, That it was the intention of the Legislature in enacting said S. B. No. 139, to appropriate the instructional salaries for said North Texas Agricultural College upon a nine months basis, and the language contained in the opening line of said appropriation for said institution reading "Salaries; (12 months)," is a typographical error and it was the intention of the Legislature that said language should be "Instructional salaries; (9 months)," and such intention is hereby declared.

The resolution was read second time, and was adopted.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 3, Granting R. F. Davis permission to sue the State.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was adopted.

TO AUTHORIZE THE BOARD OF CONTROL TO USE CONFEDERATE HOME FOR STATE OFFICES

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 6, To authorize the Board of Control to use Confederate Home for State offices.

The resolution having heretofore been read second time, and referred to the Committee on Appropriations.

The Committee on Appropriations having recommended the adoption of the resolution, with the following committee amendment:

"Whereas, The State Board of Control, by reason of lack of available space to house the Departments of the State Government in present State buildings in Austin, has found it necessary to contract for space in various privately owned buildings; and

Whereas, The rent on this office space is in excess of Fifty Thousand (\$50,000.00) Dollars per year; and

Whereas, A Subcommittee of the Appropriations Committee of the House, which was appointed during the Regular Session which has recently adjourned, investigated the surplus building space now available in the Home for Confederate Soldiers, located in Austin, and reported to this House that there is now available a large amount of space in this Home; and

Whereas, This space could be used for the housing of State Departments without inconveniencing in the least the inmates of the Home, and thereby save the State a great deal of money annually; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Board of Control be instructed to make arrangements to move into the Confederate Home whatever State Departments for which there is room.

METCALFE.

The committee amendment was adopted.

The resolution, as amended, was then adopted.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 8, To grant H. J. Birdsong permission to sue the State.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was adopted.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 19, To grant H. H. Friar permission to sue the State.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was adopted.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 20, To grant H. S. Wilde permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was adopted.

HOUSE BILL NO. 12 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 12, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to dispose of all jacks and stallions now owned by the State of Texas which were purchased out of the special Jack and Stallion Fund and the Special Racing Fund as created under Chapter 10, Acts of the First Called Session, Forty-third Legislature, and further amended by

Chapter 344, Acts of the Forty-fourth Legislature, Regular Session; providing for the disposition of all defective or unfit animals by the Board of Control; providing for apportionment of all funds now on hand and to the credit of the Special Racing Fund which have accumulated since January 1, 1937; providing for the repeal of all laws in conflict herewith, and declaring an emergency."

The bill having been read second time on last Thursday, and further consideration of same postponed until today.

On motion of Mr. Metcalfe, further consideration of House Bill No. 12 was postponed until 2:00 o'clock p. m., today.

**TO REQUEST THE BOARD OF
CONTROL TO ASSIGN AD-
DITIONAL SPACE TO
TEXAS STATE
LIBRARY**

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 7, To request the Board of Control to assign additional space to Texas State Library.

Whereas, The Archives Division of the Texas State Library is housed in the basement of the Capitol Building; and

Whereas, There has come to the notice of the writer recently that the State Library Commission is thinking of removing it to some building not yet designated, belonging to the University of Texas; and

Whereas, The Archives Division, containing the records of the Republic of Texas and of the State of Texas, is constantly used by the Legislature, State Departments, Judiciary, and general public, and same is the property of the State of Texas rather than any department or institution thereof; and

Whereas, It is imperative that these priceless records should remain in close proximity to the State Capitol and be housed so as to be given more room for assembling and use; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That under no circumstances shall said Archives and records be removed from the custody of the Texas State Library and from the Capitol grounds and close proximity;

and, be it further

Resolved, That the State Board of Control be requested to assign additional space for housing said records and Archives of the Division of the Texas State Library in some such convenient building on or near the Capitol campus in order that they may ever remain where they can be conveniently used by the Legislature and other State Officials who work in the Capitol building.

The resolution was read second time, and was adopted.

**PROPOSED AMENDMENT TO THE
RULES**

Mr. Bradbury offered the following resolution:

Resolved, That the following be adopted as a Rule of the House of Representatives, to be known and published as Rule 9A:

"Rule 9A. There shall be a standing committee of the House of Representatives, on Representation of Special Interests, which shall consist of five Members, to be appointed by the Speaker, who shall designate one of such members to act as Chairman and another to act as Vice-Chairman, such appointments and designations to be subject to the approval of the House of Representatives.

It shall be the duty of every legislative representative, and every attorney, agent or employee of any person, firm or corporation, or of any class or group of persons, firms or corporations, who, in the City of Austin, shall in any manner attempt to aid or influence the passage or defeat of any legislation or measure pending or to be pending; or which may be introduced in either House of the Legislature, first to register with the Committee on Representation of Special Interests by filing with its Chairman or Vice-Chairman a sworn statement truthfully setting forth such facts as will fully disclose his or her interest in and relationship to any and all such legislation or measures, and on such forms as the Committee may prescribe, such statements so filed to be a part of the records of the House of Representatives.

The Committee on Representation of Special Interests may sit while the Legislature is in session, or when it is not in session; and it shall have the power to send for persons and papers and to summon and examine

witnesses under oath and it shall be its duty to make such examinations and investigations as it shall deem advisable, or as may be requested in writing by three or more members, or by vote of the House, for the purpose of ascertaining and informing the House of Representatives of the facts pertinent to the employment or compensation or service or methods or conduct of any and all legislative representatives, agents or attorneys, or of any person, firm or corporation, to influence any Act of the Legislature, past, present or future, including any and all disbursements for any such purpose or loans theretofore made, or agreed to be made, or incurred for such purpose, by any such representative, agent or attorney, or by any person, firm or corporation represented by him, or by anyone within his knowledge, the expenses of such investigations to be paid out of the Contingent Expense Fund of the House.

It shall be a violation of the Rules of the House of Representatives, punishable as for contempt, for any person, in the City of Austin, to communicate with or interview any Member touching any such legislative matter or to appear before any committee of the House of Representatives in connection therewith without first having registered, as herein required; or to fail or refuse to testify before said Committee when properly summoned, or to comply with any lawful order of said Committee.

The Committee on Representation of Special Interests shall hold open sessions, and from time to time, shall report to the House of Representatives the testimony of all witnesses examined by it and all sworn statements filed with its Chairman.

BRADBURY,
AMOS,
HARRELL,
LOGGINS,
SMITH of Hopkins,
DAVISON of Fisher.

The resolution was read second time, and was referred, by the Speaker, to the Committee on Rules.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 10

The Speaker announced the appointment of the following conference committee, on the part of the House, on Senate Bill No. 10:

Messrs. Graves, Cauthorn, Amos, Metcalfe and Jones of Wise.

ADDITIONAL SIGNER OF HOUSE BILL NO. 26

By unanimous consent of the House, the following Member was authorized to sign bill, as co-author of same, as follows:

Jones of Atascosa, House Bill No. 26.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Gibson:

H. B. No. 26, A bill to be entitled "An Act prohibiting the keeping of any premises for the purpose of dog racing upon which money or anything of value is being bet on said premises; providing penalties, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Blankenship and Mr. Broadfoot:

H. B. No. 27, A bill to be entitled "An Act prohibiting any candidate for Precinct, County and District offices from contributing to any charitable or other organization or individual."

Referred to the Committee on Counties.

By Mr. Reed of Dallas, Mr. Harris of Dallas, Mr. Stinson and Mr. Blankenship:

H. B. No. 28, A bill to be entitled "An Act fixing the compensation of official shorthand reporters in District Courts, Criminal District Courts and County Courts-at-Law in all counties having a population of more than three hundred and twenty-five thousand (325,000) and less than three hundred and fifty-five thousand (355,000) inhabitants according to the last preceding or any future Federal Census; providing methods of payment, providing that if any section, paragraph, sentence, clause, phrase, or part of this Act be invalid, such invalidity shall not affect the remainder thereof; repealing all laws and parts of laws in conflict to the

extent of such conflict only, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Lucas:

H. B. No. 29, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the last Federal Census had a population of not fewer than four hundred and thirty (430) and not more than four hundred and thirty-two (432) inhabitants, and in counties having not less than thirty thousand four hundred (30,400) nor more than thirty thousand six hundred (30,600) inhabitants, according to the last Federal Census, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Rutta:

H. B. No. 30, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, shoot or kill any prairie chicken in Colorado and Austin Counties, Texas, for a period of five years; prescribing penalty for violation of the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Leath:

H. B. No. 31, A bill to be entitled "An Act applying only to independent school districts in counties having a population of not less than thirty-two thousand three hundred and fifty (32,350) and not more than thirty-two thousand eight hundred (32,800) according to the last preceding Federal Census; authorizing said school districts to borrow money in a sum not to exceed One Hundred and Fifty Thousand (\$150,000.00) Dollars to supplement funds on hand for the construction and equipping of public free school buildings, and to issue time warrants therefor without an election; prescribing the terms and conditions for issuance of said time warrants; providing for the levying of a tax to pay same; prescribing the terms and conditions and the rate of

interest of said time warrants, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Lankford:

H. B. No. 32, A bill to be entitled "An Act amending Articles 793, Chapter 4, Code of Criminal Procedure, 1925, authorizing the Commissioner's Court of each county in Texas containing a population of not less than seven thousand one hundred (7,100) nor more than seven thousand one hundred fifty (7,150) according to the last preceding Federal Census, to fix the rate of wages to be paid county convicts committed to work on the county farm or public improvements at an amount per day not less than \$1.00, nor more than \$3.00, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hull:

H. B. No. 33, A bill to be entitled "An Act amending Subsection (L) of Section 19, Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session, by providing that premiums on deputies official bonds shall be a legal and legitimate expense of office in counties containing an excess of 190,000 population, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Amos, Mr. Rhodes and Mr. Hankamer:

H. B. No. 34, A bill to be entitled "An Act amending Subdivision 83 of Article 1302, Chapter 1, Title 32 of the Revised Civil Statutes of the State of Texas, 1925, authorizing the formation of private corporations to organize laborers, working-men, wage earners and farmers to protect themselves in their various pursuits; requiring that the Secretary of State give notice of application for charters and amendments for such purposes to Commissioner of Labor Statistics; vesting authority in Commissioner of Labor Statistics to make investigations concerning such applications and to make written recommendations thereon to the Secretary of State; authorizing the Secretary of State at his discretion to refuse to approve and file charters or amendments which appear to him would not

for the best interest of the public, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Kenyon:

H. B. No. 35, A bill to be entitled "An Act to amend Chapter 143, Local and Special Laws of the Thirty-ninth Legislature, at its First Called Session, 1926, the same being a Special Law validating the creation of Road District No. 2 of Chambers County, Texas, by adding to said Chapter new sections numbered 5a and 5b, validating road bond election held on June 12, 1937, and further prescribing the duty of the Commissioners Court in reference to the issuance of such bonds, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Metcalfe:

H. B. No. 36, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of Texas, of 1925, as amended by Acts of the Forty-first Legislature, page 89, Chapter 43, Section 1, and providing that after the effective date of this Act, the provisions of said Article 2094, as amended, shall not apply to counties containing, according to the last preceding Federal Census, a population of not less than twenty-five thousand and not more than thirty-seven thousand and five hundred and containing a city with a population, according to the last preceding Federal Census, of more than twenty-five thousand, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Schuenemann:

H. B. No. 37, A bill to be entitled "An Act validating, ratifying, confirming and legalizing all bonds heretofore authorized by the necessary vote of the qualified voters of all cities and towns having less than two thousand six hundred and thirty-two population and more than twenty-six hundred and one population according to the last preceding Federal Census, and all bond elections held in such cities and towns for the purpose of voting such bonds insofar as any irregularities in following the requirements of the General Law governing the form of election order, notice, ballot and canvassing of returns of such elections

are concerned; and providing that if otherwise valid, when approved by the Attorney General and registered by the Comptroller of Public Accounts and sold for not less than par and accrued interest, shall constitute legal and binding obligations of such cities and towns; providing that this Act shall not apply to any proceedings or bonds the validity of which is being contested in any suit pending at the effective date of this Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Stinson:

H. B. No. 38, A bill to be entitled "An Act to amend Article 4285, Revised Civil Statutes, 1925, providing the procedure authorizing the issuance of letters of guardianship in estates of non-resident minors, persons of unsound mind and drunkards; and to amend Article 4286, Revised Civil Statutes, 1925, providing for the sale, renting, leasing, leasing for oil and gas and other minerals of personal and real property of non-resident wards, and for the removal of the same, under orders of the court having jurisdiction of such estate; and repealing Article 4289, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Holland:

H. B. No. 39, A bill to be entitled "An Act granting the Commissioners' Court of Bell County permission to pay out of the General Fund of said County bounties for the destruction of rattlesnakes and predatory animals, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Jones of Falls, Mr. Palmer, Mr. Hartzog, Mr. Shell, Mr. Schuenemann, Mr. Howard, Mr. Harper, Mr. Jackson, Mr. Fielden, Mr. Mann, Mr. Fuchs, Mr. Newton, Mr. McFarland, Mr. Monkhouse, Mr. Leyendecker, Mr. Johnson of Ellis, Mr. Huddleston, Mr. Adkins, Mr. Celaya and Mr. Cleveland:

H. B. No. 40, A bill to be entitled "An Act providing an open season for taking mourning doves and white winged doves in the State of Texas; providing a bag limit and possession limit for such birds; providing the

means by which same may be taken; providing the hours for shooting during the open season; providing a penalty for violation of any provision of this Act; repealing all laws in conflict with any provision of this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Tennant and Mr. Gibson:

H. B. No. 41, A bill to be entitled "An Act authorizing the Governing Body of the Incorporated City of Gladewater, Gregg County, Texas to close that portion of Quitman Avenue lying between Block 4 and Block 20, and between Block 3 and Block 21 of the original townsite of said City in order that said street may be transferred to and used by the Gladewater County Line Independent School District for school purposes; provided that as a result of said transfer that no rights either in the land or minerals thereunder shall inure to the benefit of anyone except said School District, and that said School District shall have no right to sell, lease, or otherwise alienate said land or minerals thereunder, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Skaggs:

H. B. No. 42, A bill to be entitled "An Act authorizing counties of a certain class according to population to lease any county hospital of said county to be operated as a county hospital by the lessee; prescribing regulations relating to said subject, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Bradford:

H. B. No. 43, A bill to be entitled "An Act providing for the validation of the organization of and establishment of water improvement districts situated within a water power control district organized under Section 29 of Chapter 76, Acts of the Forty-third Legislature, and of Chapter 19, page 54, Acts of 1933, First Called Session of the Forty-third Legislature, providing for the validation of bonds authorized to be issued by such districts which have been authorized by two-thirds majority of those voting at such elections; providing for the validation of such bonds by suit

as now provided by law if the districts so elect or by forwarding to the Attorney-General a certified copy of the proceedings providing for the issuance of such bonds, the examination thereof by the Attorney-General and the issuance of his official certificate that such bonds are valid and binding obligations of such district if he shall so find, and that such official certificate shall authorize the registration of said bonds by the Comptroller of Public Accounts in the same manner as if same had been validated by suit; provided, however, that nothing contained in this Act shall affect any pending litigation, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Simpson:

H. B. No. 44, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Cathey:

H. B. No. 45, A bill to be entitled "An Act amending Article 793, Chapter 4, Code of Criminal Procedure, 1925, authorizing the Commissioners Court of each county in Texas to fix the rate of wages to be paid county convicts committed to workhouse, county farm or public improvements at an amount per day not less than \$1.00 nor more than \$3.00, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Jones of Angelina:

H. B. No. 46, A bill to be entitled "An Act repealing House Bill No. 915, passed at the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Dickison and Mr. Felty:

H. B. No. 47, A bill to be entitled "An Act to amend Article 2371 of

the Revised Civil Statutes of Texas of 1925, and as amended by House Bill No. 675, Acts of the Forty-fifth Legislature, Regular Session, by providing that in all counties of this State, having a population of two hundred and fifty thousand (250,000), or more, according to the last United States Census, the Commissioners' Court in such county may expend, in furnishing a rest room for women in the courthouse, or in courthouse buildings or on courthouse grounds, a sum not to exceed Three Hundred (\$300.00) Dollars; and may expend for its maintenance, including the compensation paid by the county to the matron, an amount not to exceed One Hundred (\$100.00) Dollars per month, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. London:

H. B. No. 48, A bill to be entitled "An Act creating a special road law for Montague County; authorizing the Commissioners' Court to issue funding bonds or warrants in lieu of certain scrip warrants issued in the year 1937, and validating such script; providing the method of issuing the same; making it the duty of the Commissioners' Court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the general laws pertaining to roads and bridges applicable in Montague County and providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Dickison and Mr. Carsow:

H. B. No. 49, A bill to be entitled "An Act amending Article 3935 Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, providing for certain fees of office for Justices of the Peace; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Alexander:

H. B. No. 50, A bill to be entitled "An Act authorizing independent

school districts in which there is situated a city with a population of not less than seven thousand one hundred (7,100) and not more than seven thousand two hundred (7,200) according to the last preceding Federal Census to expend not more than fifty (50%) per cent of the taxes assessed and collected for a period not to exceed four (4) years for the purpose of paying warrants issued in the payment of premium upon bonds refinanced and/or refunded by such independent school district at a less rate of interest and thereby create a saving, and in the payment of the actual and necessary cost of refinancing and of refunding said bond, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Huddleston:

H. B. No. 51, A bill to be entitled "An Act to prohibit the use of a seine for taking fish in the waters and tributaries of the Bosque River in Hamilton County, Texas; providing, however, for the use of a net during the months of July, August, September, and October for the purpose of taking fish; permitting the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; providing a penalty; repealing Chapter 47, Acts of the Forty-fourth Legislature, Regular Session; repealing House Bill No. 965, Acts of the Forty-fifth Legislature, Regular Session; and all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

RECESS

Mr. Alexander moved that the House recess until 2:30 o'clock p. m., today.

Mr. Morris moved that the House recess until 7:30 o'clock p. m., today.

Question first recurring on the motion by Mr. Alexander, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—67

Alexander
Alsup
Amos

Bates
Beckworth
Bell

Boethel	Knetsch
Bond	Langdon
Bradbury	Lankford
Bradford	Leath
Brown	Leyendecker
Burton	London
Cauthorn	Lucas
Cleveland	Mauritz
Colquitt	Moffett
Davis of Jasper	Morris
Davison of Fisher	Patterson
Deglandon	of Travis
England	Petsch
Farmer	Pope
Fielden	Powell
Fuchs	Reed of Bowie
Graves	Reed of Dallas
Hamilton	Riddle
Hankamer	Roark
Harper	Ross
Harrell	Russell
Herzik	Shell
Huddleston	Simpson
Johnson of Ellis	Skaggs
Johnson	Smith of Hopkins
of Tarrant	Stinson
Jones of Angelina	Tennyson
Jones of Wise	Thornberry
Keefe	Weldon
Kelt	Westbrook
Kern	Wood
King	

Nays—49

Adkins	Mann
Baker	Mays
Blankenship	McConnell
Boyer	Monkhouse
Broadfoot	Morse
Carssow	Nicholson
Cathey	Palmer
Dickison	Prescott
Felty	Rhodes
Fox	Rutta
Gibson	Settle
Hanna	Sewell
Hardin	Sharpe
Harris of Dallas	Stevenson
Harris of Dickens	Stocks
Hartzog	Talbert
Hoskins	Tarwater
James	Tennant
Jones of Atascosa	Thornton
Jones of Falls	Vale
Keith	Waggoner
Kenyon	Walker
Lanning	Winfree
Little	Worley
Loggins	

Present—Not Voting

Harbin

Absent

Bridgers	Davison
Cagle	of Eastland
Davis of Haskell	Dean

Derden	McKee
Harris of Archer	McKinney
Holland	Metcalfe
Jackson	Newton
Leonard	Ragsdale
McDonald	Reader
McFarland	Schuenemann

Absent—Excused

Callan	McCracken
Celaya	Oliver
Dollins	Patterson of Mills
Heflin	Quinn
Howard	Smith
Hull	of Matagorda
Hyder	Smith of Tarrant

The House, accordingly, at 12:05 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Callan was granted leave of absence for the balance of the day, on account of a death in his family, on motion of Mr. Little.

Mr. Harris of Dallas was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Morse.

Mr. McDonald was granted leave of absence temporarily for this afternoon, on account of illness, on motion of Mr. Blankenship.

Mr. Celaya was granted leave of absence for today, on account of important business, on motion of Mr. Jones of Falls.

Mr. Hyder was granted leave of absence for today, on account of important business, on motion of Mr. Worley.

Mr. Howard was granted leave of absence for today, on account of important business, on motion of Mr. Davison of Fisher.

Mr. Smith of Tarrant was granted leave of absence for today, on account of important business, on motion of Mr. Amos.

Mr. Gibson was granted leave of absence for this afternoon, on account

of important business, on motion of Mr. Tennant.

Mr. Hull was granted leave of absence for today, on account of important business, on motion of Mr. Johnson of Tarrant.

Mr. McConnell was granted leave of absence for this evening on account of important business.

MESSAGE FROM THE SENATE

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 12, A bill to be entitled "An Act authorizing certain counties by population brackets to borrow money up to a certain amount to supplement funds on hand, etc."

S. B. No. 15, A bill to be entitled "An Act validating road bond election in certain county, etc."

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Lucas, House Bill No. 29 was ordered not printed.

On motion of Mr. Holland, House Bill No. 39 was ordered not printed.

On motion of Mr. Alexander, House Bill No. 50 was ordered not printed.

On motion of Mr. Huddleston, House Bill No. 51 was ordered not printed.

CONFERENCE COMMITTEES APPOINTED

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on Senate Bill No. 3:

Messrs. Harrell, Harris of Dallas, Blankenship, Petsch and Bond.

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on Senate Bill No. 2:

Messrs. Reed of Bowie, Davison of Fisher, Broadfoot, James and Brown.

RELATIVE TO HOUSE BILL NO. 42

Mr. Skaggs moved to reconsider the vote by which House Bill No. 42 was ordered printed in mimeograph form.

The motion to reconsider prevailed.

Mr. Skaggs withdrew the motion to print House Bill No. 42 in mimeograph form.

Mr. Skaggs asked unanimous consent that House Bill No. 42 be not printed.

There was no objection offered, and it was so ordered.

RELATIVE TO CERTAIN SERVICE

Mr. Morse moved that the Rules, relative to the making of motions to reconsider, be suspended, for the purpose of making a motion to reconsider the vote by which the House heretofore adopted a resolution concerning the distribution of soft drinks by certain drug store.

The motion to suspend the Rule prevailed by the following vote:

Yeas—107

Alexander	Harris of Dallas
Alsup	Harris of Dickens
Amos	Hartzog
Bates	Herzik
Beckworth	Hoskins
Bell	Huddleston
Blankenship	Jackson
Boethel	James
Bond	Johnson of Ellis
Boyer	Johnson
Bradbury	of Tarrant
Bradford	Jones of Angelina
Bridgers	Jones of Atascosa
Broadfoot	Jones of Wise
Brown	Keefe
Burton	Keith
Cathey	Kelt
Cauthorn	Kern
Cleveland	King
Davison of Fisher	Knetsch
Davisson	Langdon
of Eastland	Lankford
Deglandon	Lanning
Derden	Leath
Dickison	Leyendecker
England	Loggins
Farmer	Lucas
Felty	Mann
Fielden	Mauritz
Fox	Mays
Fuchs	McConnell
Graves	McFarland
Hamilton	Moffett
Hankamer	Morse
Hanna	Newton
Harbin	Palmer
Hardin	Patterson
Harper	of Travis
Harrell	Petsch
Harris of Archer	Pope

Powell	Stinson
Reader	Stocks
Reed of Bowie	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennant
Roark	Thornberry
Russell	Thornton
Rutta	Vale
Schuenemann	Waggoner
Settle	Walker
Sewell	Weldon
Skaggs	Westbrook
Smith of Hopkins	Winfree
Smith of Tarrant	Wood
Stevenson	Worley

Absent

Adkins	McKinney
Baker	Metcalfe
Carssow	Monkhouse
Colquitt	Morris
Davis of Haskell	Nicholson
Davis of Jasper	Prescott
Dean	Ragsdale
Holland	Riddle
Jones of Falls	Ross
Kenyon	Sharpe
Leonard	Shell
Little	Simpson
London	Tennyson
McKee	

Absent—Excused

Cagle	Hyder
Callan	McCracken
Celaya	McDonald
Dollins	Oliver
Gibson	Patterson of Mills
Heflin	Quinn
Howard	Smith
Hull	of Matagorda

On motion of Mr. Morse, the vote by which the resolution was adopted was reconsidered.

Mr. Morse moved that further consideration of the resolution be postponed indefinitely.

The motion prevailed.

HOUSE BILL NO. 12 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of House Bill No. 12, concerning the disposition of jacks and stallions, on its passage to engrossment.

The bill having heretofore been read second time.

Mr. McConnell offered the following committee amendment to the bill:

Amend House Bill No. 12, by striking out Section 1 and insert in lieu thereof the following:

"Sec. 1. The State Board of Control is hereby authorized to sell, and the Commissioners' Court of each of the several counties in this State are authorized to buy the jacks and stallions now owned by the State of Texas; provided that the Board of Control in making such sale shall advertise once a week for at least four weeks in at least four of the leading newspapers in this State for sealed bids or proposals to purchase such jacks and stallions and shall sell such animals to the person submitting the highest bid; provided further, however, that no county shall be allowed to purchase more than two such animals. Provided, further, that if the Board of Control is unable to dispose of any or all of such animals as above provided whether due to refusal of the counties to purchase or due in any manner to defects or unfitness for breeding purposes, then the Board of Control is hereby authorized to dispose of such animals to the best interest of the State. The money from the sale of such property less the expense of advertising and selling shall be deposited in the State Treasury to the credit of the General Revenue Fund. The Board of Control shall make a written report to the Comptroller after each sale showing to whom each animal was sold and the price received."

ROSS.

On motion of Mr. McKee, the amendment was tabled.

Mr. Tarwater offered the following amendment to the bill:

Amend House Bill No. 12, Sec. 2, by changing the period after the word "Act" in line 24, to a comma and by adding the following: "but it is hereby expressly provided that refunds on breedings shall only be made on breedings on jacks or stallions during the time the State retains title to such animals."

The amendment was adopted.

Mr. Settle offered the following amendment to the bill:

"Amend House Bill No. 12, Section One, by adding a new paragraph which provides one jack and one stallion shall be tendered to each State supported college of higher learning teaching Animal Husbandry as one of the regular courses of that institution.

The college shall assume full obligations for caring for and support-

ing the animals so tendered at all times in the future."

SETTLE,
HARBIN.

Mr. Thornton offered the following amendment to the amendment by Mr. Settle:

Amend Settle amendment by adding the following paragraph:

"Provided further that all counties desiring a jack or stallion shall make written application therefor through the Commissioners Court to the Commissioner of Agriculture within sixty days after the effective date of this Act; provided that after this date, out of the excess animals, if any, the Commissioner of Agriculture shall apportion said excess animals to the institutions of higher learning, teaching Animal Husbandry as one of the regular courses, but not to exceed one jack and one stallion to each such institution; provided further that after such apportionment, if any excess animals still remain, the Commissioner of Agriculture shall tender not to exceed three jacks and two stallions to the State Penitentiary system."

The amendment by Mr. Thornton was adopted.

Question then recurring on the amendment, as amended, it was adopted.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 12, Section 1, by adding at the end of line 29, the following: "excess".

The amendment was adopted.

Mr. Davison of Fisher offered the following amendment to the bill:

Amend House Bill No. 12, by striking out "is hereby authorized to" in line 22, Section 1, page 1, and add in lieu thereof the following: "shall".

Mr. Fuchs moved the previous question on the pending amendment, and the engrossment of House Bill No. 12, and the motion was not seconded.

Mr. McKee moved to table the amendment by Mr. Davison of Fisher.

The motion to table was lost.

Question then recurring on the amendment by Mr. Davison of Fisher, it was adopted.

Mr. Jones of Wise offered the following amendment to the bill:

Amend House Bill No. 12, page 1, by striking out beginning on line 34

the following: "except cash refunds of breeding fees which shall be paid out of the Special Jack and Stallion Fund as provided under this Act."

The amendment was adopted.

Mr. McKee offered the following amendment to the bill:

Amend House Bill No. 12, by adding a new section before the emergency clause, and renumbering accordingly, which shall read as follows:

"If any word, clause, phrase or sentence of this Act be declared unconstitutional it shall not affect the balance of the Act which shall be in full force and effect."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 12 was then passed to engrossment.

HOUSE BILL NO. 12 ON THIRD READING

Mr. McKee moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Adkins	Deglandon
Alexander	Derden
Alsup	Dickison
Amos	England
Baker	Farmer
Bates	Felty
Beckworth	Fielden
Bell	Fox
Blankenship	Fuchs
Boethel	Graves
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hanna
Bridgers	Harbin
Broadfoot	Hardin
Brown	Harper
Burton	Harrell
Carssow	Harris of Archer
Cathey	Harris of Dallas
Cauthorn	Harris of Dickens
Cleveland	Hartzog
Davis of Haskell	Herzik
Davis of Jasper	Holland
Davison of Fisher	Hoskins
Davisson	Huddleston
of Eastland	Jackson

James	Pope
Johnson of Ellis	Powell
Johnson	Reader
of Tarrant	Reed of Bowie
Jones of Angelina	Reed of Dallas
Jones of Atascosa	Rhodes
Jones of Falls	Riddle
Jones of Wise	Roark
Keefe	Ross
Kelt	Russell
Kern	Rutta
King	Schuenemann
Knetsch	Settle
Langdon	Sewell
Lankford	Sharpe
Lanning	Shell
Leath	Simpson
Leyendecker	Skaggs
Little	Smith of Hopkins
Loggins	Stevenson
London	Stinson
Lucas	Stocks
Mann	Talbert
Mauritz	Tarwater
Mays	Tennant
McConnell	Tennyson
McFarland	Thornberry
McKee	Thornton
Moffett	Vale
Monkhouse	Waggoner
Morris	Walker
Morse	Weldon
Newton	Westbrook
Palmer	Winfree
Patterson of Mills	Wood
Patterson	Worley
of Travis	

Absent

Bond	McKinney
Colquitt	Metcalf
Dean	Nicholson
Keith	Petsch
Kenyon	Prescott
Leonard	Ragsdale

Absent—Excused

Cagle	Hyder
Callan	McCracken
Celaya	McDonald
Dollins	Oliver
Gibson	Quinn
Heflin	Smith
Howard	of Matagorda
Hull	Smith of Tarrant

The Speaker then laid House Bill No. 12 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—117

Adkins	Alsup
Alexander	Amos

Baker	Lankford
Bates	Lanning
Beckworth	Leath
Bell	Leyendecker
Blankenship	Little
Boethel	Loggins
Boyer	London
Bradbury	Lucas
Bradford	Mann
Broadfoot	Mauritz
Brown	Mays
Burton	McConnell
Carssow	McFarland
Cathey	McKee
Cauthorn	McKinney
Cleveland	Moffett
Davis of Haskell	Monkhouse
Davison of Fisher	Morris
Davisson	Morse
of Eastland	Newton
Deglandon	Patterson of Mills
Derden	Patterson
Dickison	of Travis
England	Pope
Farmer	Powell
Felty	Reed of Bowie
Fox	Reed of Dallas
Fuchs	Rhodes
Graves	Riddle
Hamilton	Roark
Hankamer	Ross
Hanna	Russell
Hardin	Rutta
Harper	Schuenemann
Harrell	Settle
Harris of Archer	Sewell
Harris of Dallas	Sharpe
Harris of Dickens	Shell
Hartzog	Simpson
Holland	Skaggs
Hoskins	Smith of Hopkins
Huddleston	Stevenson
Jackson	Stinson
James	Stocks
Johnson of Ellis	Talbert
Johnson	Tarwater
of Tarrant	Tennant
Jones of Angelina	Tennyson
Jones of Atascosa	Thornberry
Jones of Falls	Thornton
Jones of Wise	Vale
Keefe	Waggoner
Keith	Walker
Kelt	Weldon
Kern	Westbrook
King	Winfree
Knetsch	Wood
Langdon	Worley

Absent

Bond	Dean
Bridgers	Fielden
Colquitt	Harbin
Davis of Jasper	Herzik

Kenyon
Leonard
Metcalfe
Nicholson
Palmer

Petsch
Prescott
Ragsdale
Reader

Absent—Excused

Cagle
Callan
Celaya
Dollins
Gibson
Heflin
Howard
Hull

Hyder
McCracken
McDonald
Oliver
Quinn
Smith
of Matagorda
Smith of Tarrant

Mr. McKee moved to reconsider the vote by which House Bill No. 12 was passed, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

Austin, Texas, June 21, 1937.

To the Members of the Forty-fifth Legislature:

I submit for your immediate action the matter of making certain corrections in House Bill 5, Acts of the Forty-fifth Legislature, which corrections have been requested by Hon. Bert Ford, Administrator for the Texas Liquor Control Board.

It is my understanding that these amendments have all been agreed upon and are simply corrective, with no intention or desire to in any way change any controversial point or the general policies of the original measure.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

HOUSE BILL NO. 8 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 8, A bill to be entitled "An Act prohibiting the buying and selling of pools or bookmaking; providing the form of indictment or information sufficient to charge the offense; prohibiting the use of certain property for selling pools or bookmaking; declaring it unlawful to go into or remain in a place operated in violation of this Act; prohibiting

the furnishing of means of communication to persons using property for pool selling or bookmaking in violation of the provisions of this Act; declaring it unlawful to buy pools or wager on horse races; declaring certain acts prima facie violations of the provisions of this law; providing penalties for the violation of the provisions of this Act; repealing Articles 647, 648, 649, 650, 651 and 652, Penal Code of Texas, 1925; providing, however, that the passage of this Act shall not affect any indictment or information now pending for violating any of the Articles hereby repealed; providing conviction may be had under the terms of this Act on the uncorroborated testimony of accomplices, such person to be exempt from prosecution for any offense about which he testified; declaring the terms of this Act to be severable, and declaring an emergency."

The bill was read second time.

On motion of Mr. Reed of Bowie, the bill was laid on the table subject to call.

HOUSE BILL NO. 11 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 11, A bill to be entitled "An Act to amend Articles 624 and 625 of the Penal Code of the State of Texas of 1925, so as to include within the terms and meaning of said Articles any race, speed, skill or endurance of, by, or between dogs; and adding a new Article 625-a; prescribing form of indictment and character of proof, and declaring an emergency."

The bill was read second time.

On motion of Mr. Hanna, the bill was laid on the table subject to call.

HOUSE BILL NO. 16 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 16, A bill to be entitled "An Act providing that the Supreme Court, or any Court of Civil Appeals, shall have power, or authority, or jurisdiction to issue the writ of mandamus against a peace officer, or magistrate (except magistrates of appellate courts), as defined by the

laws of this State, or against any county or district attorney, to compel the performance of any act, or duty, which such peace officer, magistrate or district or county attorney is required by law to perform, and declaring an emergency."

The bill was read second time.

Mr. Hanna raised a point of order, on consideration of the bill, on the ground that a similar measure has heretofore been defeated by the Senate.

The Speaker overruled the point of order.

Mr. Hanna moved to lay the bill on the table subject to call.

Mr. Amos moved to table the motion by Mr. Hanna.

Mr. Hanna raised a point of order, on consideration of the bill, on the ground that the bill does not come within the Governor's call.

The Speaker overruled the point of order.

Question then recurring on the motion to table, it prevailed.

Mr. McConnell raised a point of order, on further consideration of House Bill No. 16, on the ground that the bill violates certain constitutional provisions.

The Speaker overruled the point of order.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 16 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 16

Mr. Amos moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 16 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—76

Adkins	Broadfoot
Alsup	Brown
Amos	Cathey
Bates	Cauthorn
Beckworth	Cleveland
Bradbury	Davis of Haskell
Bradford	Davis of Jasper

Davison of Fisher	London
Davisson	Lucas
of Eastland	Mann
Deglandon	Mauritz
Derden	McConnell
England	McKee
Farmer	Moffett
Fox	Morris
Fuchs	Newton
Graves	Palmer
Hamilton	Patterson of Mills
Hardin	Powell
Harper	Prescott
Harrell	Reed of Bowie
Harris of Dickens	Rhodes
Herzik	Roark
Holland	Ross
Huddleston	Russell
James	Rutta
Johnson of Ellis	Sharpe
Jones of Angelina	Simpson
Jones of Atascosa	Skaggs
Jones of Falls	Stinson
Jones of Wise	Stocks
Keefe	Tarwater
Keit	Tennant
Kern	Thornberry
King	Weldon
Langdon	Westbrook
Lanning	Winfree
Leath	Worley
Leyendecker	

Nays—42

Alexander	Little
Baker	Mays
Bell	McFarland
Blankenship	Monkhouse
Boethel	Morse
Boyer	Patterson
Burton	of Travis
Carssow	Reader
Dickison	Reed of Dallas
Felty	Schuenemann
Hankamer	Settle
Hanna	Sewell
Harris of Archer	Shell
Hartzog	Smith of Hopkins
Hoskins	Stevenson
Jackson	Talbert
Johnson	Tennyson
of Tarrant	Thornton
Keith	Vale
Kenyon	Waggoner
Knetsch	Walker
Lankford	Wood

Absent

Bond	Leonard
Bridgers	Loggins
Colquitt	McKinney
Dean	Metcalfe
Fielden	Nicholson
Harbin	Petsch

Pope	Riddle
Ragsdale	
Absent—Excused	
Cagle	Hyder
Callan	McCracken
Celaya	McDonald
Dollins	Oliver
Gibson	Quinn
Harris of Dallas	Smith
Heflin	of Matagorda
Howard	Smith of Tarrant
Hull	

MESSAGE FROM THE SENATE

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 11, A bill to be entitled "An Act validating bonds in certain cities, etc., and declaring an emergency."

S. B. No. 17, A bill to be entitled "An Act validating certain bonds of certain cities of certain population, etc., and declaring an emergency."

S. B. No. 19, A bill to be entitled "An Act fixing the minimum tax to be levied for school purposes in independent school districts in certain cities and towns of certain population, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 17 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 17, A bill to be entitled "An Act providing for the injunction at the suit of either the State or any citizen thereof to stop or prohibit the use of any premises, place or building or part thereof for the purpose of gaming or keeping or exhibiting games or for use as bawdy or disorderly house or for carrying on bucket shops or for the business of pool selling or bookmaking as prohibited by the Penal Code or any law of this State, declaring such places a nuisance and providing for cost, penalties and attorney's fees and prescribing procedure to be followed; providing for lien for cost and at-

torneys' fees, and repealing Article 4667 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The bill was read second time.

(Mr. Knetsch in the Chair.)

Mr. Broadfoot offered the following committee amendment to the bill:

Amend House Bill No. 17, by striking out everything below the enacting clause and inserting in lieu thereof the following:

Section 1. Article 4667 of the Revised Civil Statutes of the State of Texas, 1925, as amended by House Bill No. 76, passed by the Regular Session of the Forty-fifth Legislature, is hereby amended so as to hereafter read as follows:

Section 2. "Article 4667, Gaming and Disorderly Houses.

The habitual, actual, threatened or contemplated use of any premises, place or building or any part thereof for any of the following uses shall constitute a nuisance and shall be enjoined in the suit of either the State or any citizen thereof;

1. For gaming or keeping or exhibiting games prohibited by law;

2. For keeping or being interested in or aiding or abetting the keeping of any premises, place or building or any part thereof for the purpose of "bookmaking" or "pool selling" as is defined by the Penal Code or any law of this State;

3. For keeping, being interested in, aiding or abetting the keeping of a bawdy or disorderly house, as those terms are defined in the Penal Code or any law of this State.

4. For carrying on "bucket shops" as defined in the Penal Code or any law of this State, or the habitual use for or permitting to remain in any such bucket shop or place kept for bookmaking or pool selling, any telegraph or telephone wires or instruments, under circumstances prohibited by the Penal Code or any law of this State.

5. For the voluntary engaging in a fight between a man and a bull for money or other thing of value, or for any championship, or upon result of which any money or anything of value is bet or wagered, or to see which any admission fee is charged either directly or indirectly, as prohibited by the Penal Code.

Any person who may use or be about to use, or who may aid or abet another in the use of any such premises for any purposes mentioned in paragraphs numbered "1", "2", "3", and "4" of this Article may be made a party defendant in such suit. Such injunction shall be directed against each offending defendant, his agents or employees, as to the use of any and all other places for the illegal purposes mentioned, as well as, the particular place set out in said injunction. The Attorney General or any District or County Attorney may bring and prosecute all suits that either may deem necessary to enjoin such uses, and need not verify such petition; or any citizen of this State may sue in his own name and shall not be required to show that he is personally injured by the acts complained of; provided that no suit shall be instituted by a citizen as provided herein except where said citizen, his agent or attorney, has served notice upon the District or County Attorney that said premises, place or building or part thereof is being used in violation of the provisions of this law; and that said District or County Attorney has failed or refused to bring suit as provided herein; and that a period of seven days has elapsed since said notice was given.

In all such suits prosecuted by a citizen, the courts shall allow him a reasonable fee for the use of his time and as pay for his attorney any sum of money of not less than Two Hundred (\$200.00) Dollars nor more than Five Hundred (\$500.00) Dollars, in the discretion of the Court, provided the injunction sought is made permanent, which sum shall be charged against the defendants as cost in the case and all costs taxed against the defendant shall be a first and superior lien upon all of the personal property of the defendant or defendants or his or their agents and employees and which is located in the building or on the premises, occupied by the defendant or his agents or employees for such unlawful purpose. Said lien shall attach upon the filing of said injunction suit."

Section 3. If any clause, provision requirement or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of this Act; but shall be confined in its operation

to the clause, provision, requirement or part thereof declared invalid.

Section 4. The fact that the present laws are inadequate to properly enforce the provisions of the law against book making, pool selling, gambling and bawdy houses and that such illegal operations are undermining the moral and economic fabric of our State creates and constitutes an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days be suspended, and this Act take effect and be in full force from and after its passage, and it is so enacted.

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 17, by striking out lines 34 to 40 on page 2 and lines 1 through line 6 on page 3.

THORNTON,
GIBSON.

Mr. Broadfoot moved to table the amendment by Mr. Thornton.

The motion to table was lost.

Mr. Keefe offered the following substitute for the amendment by Mr. Thornton:

Amend committee amendment to House Bill No. 17, page 2, lines 36 and 37, by striking out all beginning with the words "Two Hundred" and ending with the words "Five Hundred", and substituting in lieu thereof the following:

"One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00)."

On motion of Mr. Thornton, the substitute amendment was tabled.

Mr. Broadfoot offered the following substitute for the amendment by Mr. Thornton:

Amend committee amendment to House Bill No. 17, by striking out all reference to liens.

Mr. Thornton raised a point of order, on consideration of the amendment by Mr. Broadfoot, on the ground that the amendment is vague and indefinite.

The Chair sustained the point of order.

The amendment by Mr. Thornton was then adopted.

Mr. Thornton moved to reconsider the vote by which the amendment was

adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Jones of Atascosa offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 17, by striking out Subsection 2 in Section 2 of the bill and inserting in lieu thereof the following:

"For keeping or being interested in and aiding or abetting the keeping of any premises, place, or building, or any part thereof for the purpose of bookmaking or pool selling or promoting any lottery scheme as defined by the Penal Code or any law or court decision of the Supreme Court or Court of Criminal Appeals in this State."

Question recurring on the amendment by Mr. Jones of Atascosa, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—77

Alexander	King
Alsup	Langdon
Amos	Lankford
Bates	Lanning
Beckworth	Leath
Bradbury	Leonard
Bradford	Leyendecker
Broadfoot	Little
Burton	Loggins
Davis of Jasper	London
Davison of Fisher	Lucas
Davisson	Mauritz
of Eastland	McConnell
Deglandon	McFarland
Derden	Moffett
England	Morris
Farmer	Newton
Fielden	Palmer
Fox	Patterson of Mills
Graves	Pope
Hamilton	Powell
Hanna	Prescott
Harbin	Reed of Bowie
Hardin	Roark
Harrell	Russell
Harris of Dickens	Schuenemann
Huddleston	Settle
Johnson of Ellis	Sewell
Jones of Angelina	Sharpe
Jones of Atascosa	Shell
Jones of Falls	Skaggs
Jones of Wise	Smith of Hopkins
Keefe	Stocks
Kelt	Talbert
Kern	Tarwater

Tennant
Tennyson
Thornberry
Waggoner

Weldon
Westbrook
Winfree
Wood

Nays—28

Adkins
Baker
Bell
Blankenship
Boethel
Bond
Boyer
Brown
Cauthorn
Dickison
Hankamer
Hartzog
Jackson
James
Johnson
of Tarrant

Keith
Kenyon
Mays
McKinney
Monkhouse
Morse
Patterson
of Travis
Petsch
Reader
Reed of Dallas
Rutta
Stinson
Thornton

Present—Not Voting

Worley

Knetsch

Absent

Bridgers
Carssow
Cathey
Cleveland
Colquitt
Davis of Haskell
Dean
Felty
Fuchs
Harper
Harris of Archer
Herzik
Holland

Hoskins
Mann
McKee
Metcalfe
Nicholson
Ragsdale
Rhodes
Riddle
Ross
Simpson
Stevenson
Vale
Walker

Absent—Excused

Cagle
Callan
Celaya
Dollins
Gibson
Harris of Dallas
Heflin
Howard
Hull

Hyder
McCracken
McDonald
Oliver
Quinn
Smith
of Matagorda
Smith of Tarrant

Question—Shall the Committee amendment be adopted?

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 22, To request the Governor to submit certain subject.

H. C. R. No. 24, To authorize the loan of certain highway equipment.

H. C. R. No. 25, To authorize the Enrolling Clerk to make certain changes in Senate Concurrent Resolution No. 2.

H. C. R. No. 13, To provide for appointment of delegates to certain celebration.

H. C. R. No. 23, Memorializing Congress in regard to passage of certain subject.

H. C. R. No. 17, To authorize the printing of certain Insurance Laws.

MESSAGE FROM THE SENATE

Austin, Texas, June 21, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 16, A bill to be entitled "An Act authorizing counties of a certain class according to population to lease any county hospital of said county to be operated as a county hospital by the lessee; etc., and declaring an emergency."

S. B. No. 21, A bill to be entitled "An Act to amend Article 1315 (a) of the Revised Civil Statutes of Texas so that the provisions of said Act shall extend to all private corporations incorporated under the General Laws of Texas; etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Leyendecker:

H. B. No. 52, A bill to be entitled "An Act authorizing the Commissioners' Court in each county in this State having a population of not less than 42,125, nor more than 42,150, according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business in overseeing the construction work on public roads of the county; requiring

each such commissioner to pay the expense of operation and repair of such vehicle so used by him without further expense to the county, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Fox and Mr. Bradbury:

H. B. No. 53, A bill to be entitled "An Act making it unlawful for the fraudulent taking of any cotton or cottonseed, making such an offense a felony, providing punishment therefor, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Felty, Mr. Dickison, Mr. Carssow and Mr. Reader:

H. B. No. 54, A bill to be entitled "An Act amending Article 3886e, Acts of the Forty-fourth Legislature, page 802, Chapter 343, Section 1, making adequate provision for the compensation of one Court Reporter to be appointed by the Criminal District Attorney in any county having a population in excess of two hundred and fifty thousand (250,000) and less than three hundred and fifty-five thousand (355,000) inhabitants according to the last preceding Federal Census and which alone constitutes two or more judicial districts; providing that in each of such counties the salary of one Court Reporter appointed by the Criminal District Attorney shall not exceed Three Thousand (\$3,000.00) Dollars per annum, to be paid monthly by such county by warrant drawn upon the general funds thereof, which compensation is less than now provided by Chapter 195, General Laws of the Regular Session, Forty-third Legislature, for the official shorthand reporter in each Judicial District in any such county; repealing that portion of Article 3886 as amended by Section 5 of said Chapter 220, having reference to the appointment of a Court Reporter by the District Attorney or Criminal District Attorney, and repealing that portion of Subsection f of Section 19, Acts, 1935, of the Second Called Session of the Forty-fourth Legislature, page 1762, Chapter 465, also known as Subsection f of Section 19 of Article 3912e, Revised Civil Statutes, so far as the salary of one Court Reporter is concerned, only, and repealing all laws or parts of laws, General and Special, in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Felty, Mr. McCracken, Mr. Reader, Mr. Carssow and Mr. Dickison:

H. B. No. 55, A bill to be entitled "An Act appointing Directors of San Antonio River Canal and Conservancy District, providing for the appointment of their successors, designating their terms of office, providing for the filling of vacancies, prescribing the oath of office, providing who is eligible for appointment, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Baker:

H. B. No. 56, A bill to be entitled "An Act to amend Article 2070 of the 1925 Revised Statutes of the State of Texas and Article 2266 of the 1925 Revised Statutes of the State of Texas, as amended by Acts of the Regular Session of the Forty-second Legislature, page 226, Chapter 134, relative to the filing of cases and taking of appeals therefrom without giving security for costs, by providing stricter requirements for proof of inability to pay such costs, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Skaggs:

H. B. No. 57, A bill to be entitled "An Act amending Article 3899 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 311, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature; providing that criminal district attorneys who perform the duties of district attorneys in certain counties may incur certain expenses in investigating crime and accumulating evidence in criminal cases, and for the payment for mileage traveled by said criminal district attorneys in automobile furnished by them in the discharge of their official duties; providing that this Act shall be cumulative of all laws not in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Boethel:

H. B. No. 58, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, by adding thereto a new Section to be known as Article 1645b, providing for county auditors in counties containing a population of not less than twenty-seven thousand, five hundred and forty-five (27,545) nor more than twenty-seven thousand, five hundred and fifty-five (27,555) according to the last preceding Federal Census; providing for their compensation and the fund from which it shall be paid, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Baker:

H. B. No. 59, A bill to be entitled "An Act to amend Article 2241 of the Revised Statutes of 1925 which pertains to the obtaining of a transcript of the evidence in appeals or writs of error in forma pauperis from County and District courts, by providing for the compensation of the official Court Reporter by the county in which such case is tried, charging the expense of preparing such transcript as costs and providing for the reimbursement of such county, and limiting the use of such transcript to those securing same, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Johnson of Ellis:

H. B. No. 60, A bill to be entitled "An Act repealing Section (I) of Article 8017 of the 1925 Revised Civil Statutes of Texas, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Stinson:

H. B. No. 61, A bill to be entitled "An Act to amend Article 4180 of the Revised Civil Statutes of the State of Texas as amended by Senate Bill No. 84, Acts of the Regular Session of the Forty-fifth Legislature, so as to provide for the investment by guardians of the surplus funds of their wards

in bonds of any county or district or subdivision in Texas, or of any incorporated city or town in Texas, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Westbrook:

H. B. No. 62, A bill to be entitled "An Act amending Section 1 of House Bill No. 186, same being Chapter 10 of the Special Laws of the Forty-third Legislature, Regular Session by extending the closed season on deer in San Augustine and Sabine Counties until February 21, 1939, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Hankamer, Mr. Bridgers and Mr. Jackson:

H. B. No. 63, A bill to be entitled "An Act to amend Article 2687 of the 1925 Revised Civil Statutes of Texas by adding thereto a new Section to be known as Article 2687a, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than one hundred thirty thousand and not more than one hundred thirty-three thousand, according to the last preceding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Harrell and Mr. Bradford:

H. B. No. 64, A bill to be entitled "An Act amending Article 4006 Revised Civil Statutes of Texas, 1925, as amended by Chapter 202, Acts of the Forty-second Legislature, Regular Session, same being known as Article 4006A, and declaring an emergency."

Referred to the Committee on Common Carriers.

By Mr. London:

H. B. No. 65, A bill to be entitled "An Act amending Section 11 of Senate Bill No. 185, Acts of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

Referred to the Committee on Education.

By Mr. London:

H. B. No. 66, A bill to be entitled "An Act amending Section 2, of Senate Bill No. 185, Acts of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

Referred to the Committee on Education.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committee, as follows:

Senate Bill No. 16, to the Committee on Counties.

Senate Bill No. 21, To the Committee on Municipal and Private Corporations.

Senate Bill No. 19, to the Committee on Revenue and Taxation.

Senate Bill No. 17, to the Committee on Municipal and Private Corporations.

Senate Bill No. 11, to the Committee on Municipal and Private Corporations.

Senate Bill No. 15, to the Committee on Highways and Motor Traffic.

Senate Bill No. 12, to the Committee on Education.

CHAIRMAN OF THE COMMITTEE OF THE WHOLE HOUSE APPOINTED

Speaker Calvert announced the appointment of Hon. Fred E. Knetsch, as Chairman of the Committee of the Whole House.

RECESS

Mr. Keith moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Morris moved that the House recess until 7:30 o'clock p. m., today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—14

Fox	McKinney
Keith	Morse
Kenyon	Palmer
Loggins	Riddle
Mays	Skaggs

Stevenson	Walker
Tarwater	Winfree
Nays—97	
Adkins	Lankford
Alexander	Lanning
Amos	Leath
Baker	Leyendecker
Bates	Little
Beckworth	London
Bell	Lucas
Blankenship	Mann
Boethel	Mauritz
Boyer	McConnell
Bradbury	McFarland
Bradford	Moffett
Broadfoot	Monkhouse
Brown	Morris
Cathey	Patterson of Mills
Cauthorn	Patterson
Cleveland	of Travis
Davis of Jasper	Petsch
Davison of Fisher	Pope
Deglandon	Powell
Derden	Prescott
Dickison	Ragsdale
England	Reed of Bowie
Farmer	Reed of Dallas
Fielden	Rhodes
Fuchs	Roark
Graves	Ross
Hamilton	Russell
Hankamer	Rutta
Hanna	Schuenemann
Harbin	Settle
Hardin	Sewell
Harrell	Sharpe
Harris of Archer	Shell
Harris of Dickens	Simpson
Hartzog	Smith of Hopkins
Herzik	Stinson
Huddleston	Stocks
Jackson	Talbert
James	Tennant
Johnson of Ellis	Tennyson
Johnson	Thornberry
of Tarrant	Thornton
Jones of Angelina	Vale
Jones of Falls	Waggoner
Jones of Wise	Weldon
Keefe	Westbrook
Kelt	Wood
King	Worley
Langdon	

Absent

Alsop	Davisson
Bond	of Eastland
Bridgers	Dean
Burton	Felty
Carssow	Harper
Celaya	Holland
Colquitt	Hoskins
Davis of Haskell	Jones of Atascosa

Kern	Metcalfe
Knetsch	Newton
Leonard	Nicholson
McKee	Reader

Absent—Excused

Cagle	Hyder
Callan	McCracken
Dollins	McDonald
Gibson	Oliver
Harris of Dallas	Quinn
Heflin	Smith
Howard	of Matagorda
Hull	Smith of Tarrant

Question next recurring on the motion by Mr. Morris, it prevailed, and the House, accordingly, at 5:10 o'clock p. m., took recess until 7:30 o'clock p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by Mr. Knetsch.

On motion of Mr. Davison of Fisher, and by unanimous consent of the House, the House, at 7:35 o'clock p. m., stood at ease until 7:50 o'clock p. m., today.

(The House reconvened at 7:50 o'clock p. m., and was called to order by Mr. Knetsch).

BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Metcalfe, House Bill No. 36 was ordered not printed.

On motion of Mr. Simpson, House Bill No. 44 was ordered not printed.

On motion of Mr. Hankamer, House Bill No. 63 was ordered not printed.

Mr. Johnson of Ellis moved a call of the House for the purpose of maintaining a quorum until 9:30 o'clock p. m., today, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

MESSAGE FROM THE SENATE

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 18, A bill to be entitled "An Act authorizing the governing

body of the incorporated City of Gladewater, Gregg County, Texas, to close that portion of Quitman Avenue lying between Block 4 and Block 20, and between Block 3 and Block 21 of the original townsite of said city in order that said street may be transferred to and used by the Gladewater County Line Independent School District for school purposes; etc., and declaring an emergency."

S. B. No. 20, A bill to be entitled "An Act providing for certain restrictions on the sale of wine and beer or on premises where consumed; further providing for certain and definite penalties for violations in the traffic of alcoholic beverages and in making and keeping of records of permittees and licensees; etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

RELATIVE TO OLD AGE ASSISTANCE HEARING

Mr. Thornton offered the following resolution:

Whereas, Pursuant to House Simple Resolution No. 16, certain powers were conferred upon the steering committee authorized by said resolution; and

Whereas, In order to fully expedite the hearing to be conducted pursuant to House Simple Resolution No. 16, it is necessary to confer additional powers upon said steering committee; now, therefore, be it

Resolved, That the steering committee alone shall have the right to propound questions to a witness; and, be it further

Resolved, That if any Member of the Committee of the Whole wishes to propound a question to a witness, said Member shall reduce the question to writing and submit it to the steering committee who, if the question is proper and material, shall put the question for the Member; and, be it further

Resolved, That the steering committee shall have the right to request witnesses to be placed under the rule.

The resolution was read second time.

Mr. McKee raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired, and that same is not a privileged resolution.

The Chair overruled the point of order.

Mr. Reed of Bowie moved to table the resolution by Mr. Thornton.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

Yeas—28

Amos	Mays
Beckworth	McKee
Cathey	Patterson of Mills
Davis of Jasper	Prescott
Dickison	Reader
Farmer	Reed of Bowie
Fielden	Rhodes
Holland	Smith of Hopkins
Huddleston	Smith of Tarrant
James	Talbert
Johnson of Ellis	Tennant
Kern	Weldon
Lankford	Westbrook
Lucas	Winfree

Nays—59

Adkins	Langdon
Alexander	Lanning
Baker	Leath
Bates	Leyendecker
Boethel	Little
Bond	Loggins
Boyer	Mauritz
Bradbury	McDonald
Bridgers	McFarland
Broadfoot	Metcalfe
Brown	Morris
Burton	Morse
Cauthorn	Newton
Cleveland	Patterson
Deglandon	of Travis
England	Petsch
Fox	Reed of Dallas
Fuchs	Roark
Graves	Russell
Hamilton	Rutta
Harbin	Schuenemann
Harper	Sewell
Harris of Archer	Sharpe
Harris of Dickens	Skaggs
Hoskins	Tarwater
Jones of Falls	Thornton
Jones of Wise	Thornberry
Kelt	Vale
Kenyon	Waggoner
King	Wood

Present—Not Voting

Davison of Fisher	London
Johnson	
of Tarrant	

Absent			
Alsup	Keith	Dickison	McKee
Bell	Knetsch	England	Metcalfe
Blankenship	Leonard	Farmer	Moffett
Bradford	Mann	Fielden	Morris
Carssow	McKinney	Fox	Morse
Colquitt	Moffett	Fuchs	Newton
Davis of Haskell	Monkhouse	Graves	Palmer
Davisson	Nicholson	Hamilton	Patterson of Mills
of Eastland	Palmer	Harbin	Patterson
Dean	Pope	Harper	of Travis
Derden	Powell	Harris of Archer	Petsch
Felty	Ragsdale	Harris of Dickens	Pope
Hankamer	Riddle	Herzik	Powell
Hanna	Ross	Holland	Prescott
Hardin	Settle	Hoskins	Reader
Harrell	Shell	Huddleston	Reed of Bowie
Hartzog	Simpson	Hull	Rhodes
Herzik	Stevenson	Johnson of Ellis	Roark
Hull	Stinson	Johnson	Russell
Jackson	Stocks	of Tarrant	Rutta
Jones of Angelina	Tennyson	Jones of Falls	Schuenemann
Jones of Atascosa	Walker	Jones of Wise	Sewell
Keefe	Worley	Kelt	Sharpe
		Kenyon	Shell
		Kern	Skaggs
		King	Smith of Hopkins
		Knetsch	Talbert
		Langdon	Tarwater
		Lankford	Tennant
		Lanning	Tennyson
		Leath	Thornberry
		Leyendecker	Thornton
		Little	Vale
		London	Waggoner
		Lucas	Walker
		Mauritz	Weldon
		Mays	Westbrook
		McDonald	Winfree
		McFarland	Wood

Absent—Excused

Cagle	Hyder
Callan	McConnell
Celaya	McCracken
Dollins	Oliver
Gibson	Quinn
Harris of Dallas	Smith
Heflin	of Matagorda
Howard	

Mr. Mays raised the point of order, that there was not a quorum present.

The Chair sustained the point of order.

Mr. Johnson of Ellis moved a call of the House for the purpose of securing and maintaining a quorum until 9:30 o'clock p. m., today, and the call was duly ordered.

On motion of Mr. Reed of Bowie, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the House was again called, and the following Members were present:

Mr. Speaker	Bridgers
Adkins	Broadfoot
Alexander	Brown
Amos	Burton
Baker	Cathey
Bates	Cauthorn
Beckworth	Cleveland
Boethel	Davis of Haskell
Bond	Davis of Jasper
Boyer	Davison of Fisher
Bradbury	Deglandon

Absent	
Alsup	Keefe
Bell	Keith
Blankenship	Leonard
Bradford	Loggins
Carssow	Mann
Colquitt	McKinney
Davisson	Monkhouse
of Eastland	Nicholson
Dean	Ragsdale
Derden	Reed of Dallas
Felty	Riddle
Hankamer	Ross
Hanna	Settle
Hardin	Simpson
Harrell	Smith of Tarrant
Hartzog	Stevenson
Jackson	Stinson
James	Stocks
Jones of Angelina	Worley
Jones of Atascosa	

Absent—Excused

Cagle	Celaya
Callan	Dollins

Gibson
Harris of Dallas
Heflin
Howard
Hyder
McConnell

McCracken
Oliver
Quinn
Smith
of Matagorda

The Chair announced that there was not a quorum present.

Mr. Mays moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion was lost.

The roll of the House was again called and the following Members were present:

Mr. Speaker	Kenyon
Adkins	Kern
Alexander	King
Amos	Knetsch
Baker	Langdon
Bates	Lankford
Beckworth	Lanning
Boethel	Leath
Bond	Leyendecker
Boyer	London
Bradbury	Lucas
Bridgers	Mauritz
Broadfoot	Mays
Brown	McDonald
Burton	McFarland
Cauthorn	McKee
Cleveland	Metcalf
Colquitt	Moffett
Davis of Haskell	Morris
Davis of Jasper	Morse
Dickison	Newton
Davison of Fisher	Palmer
Deglandon	Patterson of Mills
Derden	Patterson
England	of Travis
Farmer	Petsch
Fielden	Pope
Fox	Powell
Fuchs	Prescott
Graves	Ragsdale
Hamilton	Reader
Harbin	Reed of Bowie
Harper	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dickens	Roark
Hartzog	Russell
Herzik	Rutta
Holland	Schuenemann
Hoskins	Sewell
Huddleston	Sharpe
Hull	Shell
James	Simpson
Johnson of Ellis	Skaggs
Johnson	Smith of Hopkins
of Tarrant	Smith of Tarrant
Jones of Angelina	Talbert
Jones of Falls	Tarwater
Jones of Wise	Tennant
Kelt	Tennyson

Thornberry
Thornton
Vale
Waggoner
Walker

Weldon
Westbrook
Winfree
Wood

Absent

Alsup	Keefe
Bell	Keith
Blankenship	Leonard
Bradford	Little
Carssow	Loggins
Cathey	Mann
Davisson	McKinney
of Eastland	Monkhouse
Dean	Nicholson
Felty	Riddle
Hankamer	Ross
Hanna	Settle
Hardin	Stevenson
Harrell	Stinson
Jackson	Stocks
Jones of Atascosa	Worley

Absent—Excused

Cagle	Hyder
Callan	McConnell
Celaya	McCracken
Dollins	Oliver
Gibson	Quinn
Harris of Dallas	Smith
Heflin	of Matagorda
Howard	

The Chair announced that there was a quorum present.

Question again recurring on the motion to table the resolution by Mr. Thornton, yeas and nays were demanded.

The roll of the House was called on the above motion, and the vote announced as follows: Yeas, 35; Nays, 62.

The point of order was raised that there was not a quorum present.

The Chair sustained the point of order.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was then called, and the verified vote announced as follows:

Yeas—34

Adkins	Hull
Amos	Johnson of Ellis
Beckworth	Kern
Davis of Haskell	Lankford
Davis of Jasper	Lucas
Dickison	Mays
Farmer	McKee
Fielden	Patterson of Mills
Holland	Pope
Huddleston	Powell

Reader	Smith of Tarrant
Reed of Bowie	Talbert
Rhodes	Tennant
Russell	Vale
Simpson	Weldon
Skaggs	Westbrook
Smith of Hopkins	Winfree

Nays—66

Alexander	Langdon
Baker	Lanning
Bates	Leath
Boethel	Leyendecker
Bond	Loggins
Boyer	London
Bradbury	Mauritz
Bridgers	McDonald
Broadfoot	McFarland
Brown	Metcalfe
Burton	Moffett
Cauthorn	Morris
Cleveland	Morse
Davison of Fisher	Newton
Deglandon	Palmer
England	Patterson
Fox	of Travis
Fuchs	Petsch
Graves	Prescott
Hamilton	Ragsdale
Hanna	Reed of Dallas
Harbin	Roark
Harper	Rutta
Harris of Archer	Schuenemann
Harris of Dickens	Sewell
Herzik	Sharpe
Hoskins	Shell
Johnson	Tarwater
of Tarrant	Tennyson
Jones of Falls	Thornberry
Jones of Wise	Thornton
Kelt	Waggoner
Kenyon	Walker
King	Wood

Present—Not Voting

Mr. Speaker	Knetsch
-------------	---------

Absent

Alsup	Hartzog
Bell	Jackson
Blankenship	James
Bradford	Jones of Angelina
Carssow	Jones of Atascosa
Cathey	Keefe
Colquitt	Keith
Davison	Leonard
of Eastland	Little
Dean	Mann
Derden	McKinney
Felty	Monkhouse
Hankamer	Nicholson
Hardin	Riddle
Harrell	Ross

Settle	Stocks
Stevenson	Worley
Stinson	

Absent—Excused

Cagle	Hyder
Callan	McConnell
Celaya	McCracken
Dollins	Oliver
Gibson	Quinn
Harris of Dallas	Smith
Heflin	of Matagorda
Howard	

The Chair announced a quorum present and that the motion to table was lost.

Mr. Metcalfe moved the previous question on the resolution by Mr. Thornton, and the main question was ordered.

The resolution was then adopted.

Mr. Thornton moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Farmer moved that the testimony taken in the Committee of the Whole House be taken by competent stenographers and that same be printed in the Journal.

Mr. England called for a division of the questions in the motion by Mr. Farmer.

Question recurring on the motion that the testimony be taken by competent stenographers, it prevailed.

Mr. Wood moved that the testimony be printed at the conclusion of the hearing, and that same be printed in one volume in the appendix of the Journal.

The motion of Mr. Wood prevailed.

Mr. Johnson of Ellis submitted the following motion:

"I move that the names of members of the steering committee be omitted from the records of the hearing to the extent that questions propounded be shown as propounded in the name of the Chairman of the steering committee and not in the name of the individual member of the committee propounding."

The motion was lost.

IN COMMITTEE OF THE WHOLE HOUSE

(Mr. Knetsch in the Chair.)

On motion of Mr. Morris, the House, at 9:05 o'clock p. m., resolved

itself into a Committee of the Whole House for the purpose of considering matters in regard to Old Age Assistance, and carrying out the provisions of House Simple Resolution No. 16, heretofore adopted.

IN THE HOUSE

(Mr. Knetsch in the Chair.)

At 10:20 o'clock p. m., Mr. Knetsch, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at 2:30 o'clock p. m., tomorrow.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 18, to the Committee on Education.

Senate Bill No. 20, to the Committee on Liquor Traffic.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Hartzog:

H. B. No. 67, A bill to be entitled "An Act for the purpose of conserving the oyster resources of Calhoun County, Texas, by withdrawing the submerged lands in said County from location and lease to private persons and corporations for the planting of oysters and making private oyster beds; making it unlawful to take and transplant seed oysters without securing a permit from the Commissioner's Court; providing a penalty; providing a saving clause, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

ADJOURNMENT

On motion of Mr. Amos, the House, at 10:25 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Municipal and Private Corporations: House Bill No. 41; Senate Bills Nos. 11, 17 and 21.

Education: House Bills Nos. 44, 50, 63, 65 and 66; Senate Bill No. 12.

Revenue and Taxation: House Bill No. 29; Senate Bill No. 19.

Conservation and Reclamation: House Bill No. 43.

Counties: House Bills Nos. 27, 28, 32, 36, 39, 42, 45, 47 and 52.

State Affairs: House Concurrent Resolution No. 11.

Game and Fisheries: House Bills Nos. 30, 40 and 51.

Judiciary: House Bill No. 38.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, June 18, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 25, Instructing the Enrolling Clerk of the Senate to correct Senate Concurrent Resolution No. 2 by inserting Newton and Sabine Counties in said list of East Texas Counties.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1, "An Act making supplemental and new appropriations for the support and maintenance of executive, legislative, administrative and other agencies and departments of the State Government; making certain corrective amendments to Senate Bill No. 138, passed at the Regular Ses-

sion of the Forty-fifth Legislature, which is the General Departmental Appropriation Bill for the biennium commencing September 1, 1937, and ending August 31, 1939, and declaring if any portion of this Act be held unconstitutional, then it is the intent of the Legislature to pass the remaining portion thereof, regardless of the unconstitutionality of such other portion, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 9, Fixing the effective date of Senate Bill No. 185, Regular Session Forty-fifth Legislature.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 16, Inviting Dr. F. W. Kratz to address a Joint Session of the Legislature.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 13, Extending felicitations and instructing the Governor to appoint delegates to the three hundredth anniversary of Swedish colonization in the State of Delaware.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 17, Authorizing the expenditure of \$3,000.00 out of special funds for the purpose of having

the Insurance Laws of the State of Texas printed and bound.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 22, Petitioning Governor James V. Allred to submit a bill to correct errors in House Bill No. 5.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 23, Urging the Congress of the United States to pass Senate Bill No. 602.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 24, Authorizing the loan of certain highway equipment.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 25, Authorizing the Enrolling Clerk of the Senate to correct Senate Concurrent Resolution No. 2.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

BILL AND RESOLUTIONS SENT TO THE GOVERNOR

June 21, 1937

House Bill No. 1.

House Concurrent Resolution No. 9.

House Concurrent Resolution No. 16.

In Memory of Hon. E. A. Rice

Mr. Russell offered the following resolution:

Whereas, Death is no respecter of persons, and as the years pass and age creeps up with unwavering certainty, the once vigorous body becomes inactive and the edict ever issued is accepted; and

Whereas, It has pleased Almighty God to call from our midst the soul of our esteemed friend and brother, Honorable E. A. Rice of Cleburne, Texas; and

Whereas, His name is written upon the memorial pages of the House Journal, because of the excellent service he has rendered to the State of Texas as a valuable Member of the House of Representatives from 1903 to 1905, and a distinguished lawyer of no mean ability and prominent in social affairs in his own community; and

Whereas, During such service he was found to be always diligent, shrewd and painstaking, ready and willing to respond to the smallest as well as the more general appeal; ever present unless barred by illness; a true Jeffersonian Democrat and a gentleman of the old school. He had practiced law for forty years, a very prominent member of the Cleburne Bar, well-liked, and always stood for the highest ideals of life, a prominent and influential member of the Methodist Church, and leaves to his wife and children a rich heritage. He died at his home in Cleburne, Texas, yesterday morning, June 20, 1937; now, therefore, be it

Resolved, That the Members of the Forty-fifth Legislature express their deepest regrets at the passing of this outstanding Statesman, loyal and worthy citizen; and, be it further

Resolved, That the Chief Clerk be instructed to send appropriate flowers in memory of this distinguished citizen; and, be it further

Resolved, That a copy of this resolution be spread on the Journal of today in memory of the deceased; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send the family of the deceased copies of this resolution under the seal of the Chief Clerk of the House of Representatives.

RUSSELL,
LANGDON.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Davis of Haskell, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of

Hon. Leo A. Callan

Mr. Adkins offered the following resolution:

Whereas, The Members of the House of Representatives have learned with the deepest regret of the sudden death of the Honorable Leo A. Callan, of San Antonio, Texas, on Sunday, June 20, 1937; and

Whereas, Mr. Callan's death brings to a close a career which has been characterized by a wholehearted and devoted service to his community and to the State of Texas; and

Whereas, During his public career, Mr. Callan served with distinction as Chairman of the Livestock Sanitary Commission of Texas, and in this position rendered service of lasting benefit to this State; and

Whereas, The deceased was an uncle of our highly esteemed fellow-member, the Honorable Robert P. Callan, of Kaufman, Texas; now, therefore, be it

Resolved by the House of Representatives, That we take this means of expressing our sincere appreciation for the many services rendered the citizenship of this State, and our deepest regret occasioned by his passing; and, be it further

Resolved, That we extend to our highly esteemed colleague, the Honorable Robert P. Callan, and to the other members of Mr. Callan's family, our deepest sympathy in their bereavement and that copies of this resolution be forwarded to the members of the family, under the seal of the Chief Clerk, and that when the House adjourns today, it do so in memory of the late Leo A. Callan.

ADKINS,
JONES of Falls.

The resolution was read second time.

Signed—Calvert, Speaker; Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Boyer, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.